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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

LOUIS M. MELI

PHN 17,438

Serial No. 09/313,037

Group Art Unit: 2188

Filed: May 17, 1999

Examiner: Paul A. Baker

DATA PROCESSING DEVICE WITH ALIASED DATA POINTER REGISTER

Honorable Commissioner for Patents
Alexandria, VA 22313-1450
Mail Stop Petition

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Technology Center 2100

REQUEST FOR WITHDRAWAL
OF ERRONEOUSLY-ISSUED NOTICE OF ABANDONMENT

Sir:


A Notice of Abandonment dated August 26, 2003 (copy attached), has been received stating that the above-identified application has been abandoned through failure to file an Appeal Brief. Applicants' undersigned attorney respectfully submits that such Notice was issued erroneously, since an RCE was timely filed (see attached copy of RCE with facsimiled certificate of transmission) with the Patent and Trademark Office on March 28, 2003, and received by the PTO, as is shown by the attached copy of the Auto-Reply Facsimile Transmission bearing a received date of March 28, 2003.

Accordingly, Applicants respectfully request withdrawal of the Notice of Abandonment and the return of this application to "pending" status.

Applicants' undersigned attorney may be reached at the number given below.

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:	
Commissioner of Patents and Trademarks Alexandria, VA 22313	
Date:	<u>Sept. 4, 2003</u>
By:	<u>Elissa DeLucy</u>

Respectfully submitted,


By _____
Tony E. Piotrowski, Reg. 42,080
Attorney
(914) 333-9609



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/313,037	05/17/1999	LOUIS M. MELI	PHN-17.438	9981

24737 7590 08/26/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BAKER, PAUL A

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 08/26/2003

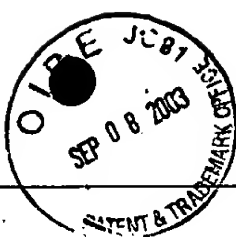
Please find below and/or attached an Office communication concerning this application or proceeding.

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DOCKETED	DATE	INITIAL
COMPUTER	PC AUG 29 2003	
SECRETARY	9/3/03	W
ATTORNEY		



Notice of Abandonment

Application No.

09/313,037

Examiner

Paul A Baker

Applicant(s)

MELI, LOUIS M.

Art Unit

2188

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

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This application is abandoned in view of:

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1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Notice of Appeal was filed on 3 March 2003, the two month time limit for filing an appeal brief or request for continued examination has expired. Examiner has no phone number on record to contact current attorney of record. Therefore the case has been abandoned.

Mano Padmanabhan
8/24/03

MANO PADMANABHAN
SPE-TC2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

TO: Auto-reply fax to 914 332 0615 COMPANY:

Auto-R ply Facsimil Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 914 332 0615

Fax Information

Date Received:

Total Pages:

3/28/03 8:18:03 AM [Eastern Standard Time]

1 (including cover page)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL		Application Number		DQ/313,037	
To Commissioner For Patents Please enter the following information and indicate the finality of the proceeding office action or withdraw any pending appeal and reopen prosecution before the Examiner.		Filing Date		May 17, 1999	
		First Named Inventor		LOUIS M. MAIL	
		Group Art Unit		2168	
		Examiner Name		Paul A. Baker	
		Attorney Doctel Number		PHN 17,438	

This is an RCE under 37 C.F.R. § 1.114 of the above-identified application (which is made prior to payment of issue fee, abandonment, notice of appeal to the CAFC, or commencement of civil action under 35 U.S.C. 145 or 146).

1. **Submission required under 37 C.F.R. § 1.114**

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.115 previously filed on February 3, 2003
 (Any unexplained amendment(s) referred to above will be entered.)

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other _____ (may not be a brief)

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (May not exceed 3 months; Fee required per 37 C.F.R. § 1.177)

b. ☐ Other _____

3. **Fees**

a. ☒ The Commissioner For Patents is hereby authorized to charge all required fees except the issue fee or credit any overpayments, to Deposit Account No. 14-1270.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print)	Tony E. Piotrowski	Registration No. (RCE/Inv./Agent)	42,080
Signature	<i>[Signature]</i>	Date	3/28/03

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20521, or facsimile transmitted to the U.S. Patent and Trademark Office to: 723-746-7232 on the date below:			
Name (Print)	Elissa DeLucy	Date	3/28/03
Signature	<i>[Signature]</i>		

Received From: 914 332 0615 at 3/28/03 8:18:03 AM [Eastern Standard Time]

SEP 12 2003

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MAR 31 2003

 *** TX REPORT ***



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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

To Commissioner For Patents

Please enter the following submission and withdraw the finality of the proceeding office action or withdraw any pending appeal and reopen prosecution before the Examiner.

Application Number	09/313,037
Filing Date	May 17, 1999
First Named Inventor	Louis M. Meli
Group Art Unit	2188
Examiner Name	Paul A. Baker
Attorney Docket Number	PHN 17,438

This is an RCE under 37 C.F.R. § 1.114 of the above-identified application (which is made prior to: payment of issue fee; abandonment; notice of appeal to the CAFC; or commencement of civil action under 35 U.S.C. 145 or 146.)

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on February 3, 2003
 (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s) Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____ (may not be a brief)

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (May not exceed 3 months; Fee required per 37 C.F.R. § 1.117(i))
- b. ☐ Other _____

3. Fees

- a. ☒ The Commissioner For Patents is hereby authorized to charge all required fees except the issue fee or credit any overpayments, to Deposit Account No. 14-1270

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED